

JC10 Rec'd PCT/PTO 02 NOV 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MINORU MORIYA et al.

Serial No. 10/544,261

Filed: August 3, 2005

For: MELANIN-CONCENTRATING HORMONE RECEPTOR
ANTAGONISTS CONTAINING PIPERIDINE DERIVATIVES
AS THE ACTIVE INGREDIENT

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

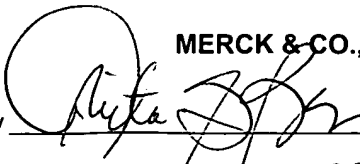
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By



Date

10/31/05

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INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

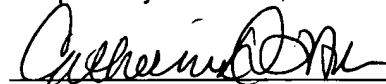
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: CATHERINE D. FITCH

Attorney _____ For Applicant(s)

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MERCK & CO., INC.

Patent Dept., RY60-30

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(732)594-4283

Date: Oct 31, 2005

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETELY KNOWN	
		Application Number	10/544,261		
		Filing Date	August 3, 2005		
		First Named Inventor	Minoru Moriya et al.		
		Group Art Unit			
		Examiner Name			
Sheet	1	of	4	Attorney Docket Number	BY0006P

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		6569861		Bakthavatchalam et al.	05/27/2003
		6727264		Marzabadi et al.	04/27/2004
		6720324		Marzabadi et al.	04/13/2004
		6818772		Kym et al.	11/16/2004
		6930185		Ishihara et al.	08/16/2005
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		6906075		DeSimone et al.	06/14/2005
		6900329		Clader et al.	05/31/2005
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		2004/0106645		Blackburn et al.	06/03/2004
		2004/0063700		Cheng et al.	04/01/2004
		2003/0105094		Clader et al.	06/05/2003
		2003/0144261		Palani et al.	07/31/2003
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		2003/0023085		Chen et al.	01/30/2003
		2004/0220404		Carpenter et al.	11/04/2004

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number		
			EP 1447402	Takeda Chemical Industries, Ltd.	08/18/2004
			EP 1219294	Takeda Chemical Industries, Ltd.	07/03/2002
			JP 2001 226269	Takeda Chemical Industries, Ltd.	08/21/2001
			JP 2002 003370A	Takeda Chemical Industries, Ltd.	01/09/2002
			JP 2002 371059	Takeda Chemical Industries, Ltd.	12/26/2002
			WO 02/088089	Banyu Pharmaceutical Co., Ltd.	11/07/2002
			WO 01/21577	Takeda Chemical Industries, Ltd.	03/29/2001
			WO 01/82925	Takeda Chemical Industries, Ltd.	08/11/2001
			WO 02/06245	Synaptic Pharmaceutical Corporation	01/24/2002
			WO 02/02744	Synaptic Pharmaceutical Corporation	01/10/2002

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet

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of

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Attorney Docket Number

BY0006P

COMPLETELY KNOWN

Application Number

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First Named Inventor

Minoru Moriya et al.

Group Art Unit

Examiner Name

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
			WO 01/21169		keda Chemical Industries, Ltd.	03/29/2001
			WO 04/004714		Synaptic Pharmaceutical Corporation	01/15/2004
			WO 04/043958		Tularik Inc.	05/27/2004
			WO 04/028459		Tularik Inc.	04/08/2004
			WO 03/045313		Merck & Co., Inc.	06/05/2003
			WO 02/00654		Pfizer Products Inc.	01/03/2002
			WO 02/076929		Pharmacopeia, Inc.	10/03/2002
			WO 03/087046		7TM Pharma A/S	10/23/2003
			WO 03/087044		7TM Pharma A/S	10/23/2003
			WO 03/070244		Abbott Laboratories	08/28/2003

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STATEMENT BY APPLICANT

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U.S. PATENT DOCUMENTS

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		Office	Number Kind Code (if known)		
			WO 03/087045	7TM Pharma A/S	10/23/2003
			WO 03/028641	Taisho Pharmaceutical Co., Ltd.	04/10/2003
			WO 03/097047	Eli Lilly and Company	11/27/2003
			WO 03/045920	Merck & Co., Inc.	06/05/2003
			JP 11-507344	Canon Inc.	01/14/1993

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Sheet

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4

Attorney Docket Number	BY0006P
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NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

AA

Roufos et al., J. Med. Chem., (1996), Vol. 39(7), pp. 1514-20, "A structure -- Activity relationship study of novel phenylacetamides which are sodium channel blockers"

AB

Dyke et al., *Exp. Opin. Ther. Patents* (2005), Vol. 15, pp. 1303-1313, "Recent developments in the discovery of MCH-1R antagonists for the treatment of obesity -- an update"

AC

Kowalski et al., *Exp. Opin. Ther. Patents* (2004), Vol. 13, pp. 1113-1122, "Therapeutic potential of melanin-concentrating hormone-1 receptor antagonists for the treatment of obesity"

AD

Clark et al., J. Med. Chem., (2004), Vol. 47, pp. 3962-3971, "A virtual screening approach to finding novel and potent antagonists at the melanin-concentrating hormone 1 receptor"

AE

Arienzo et al., Bioorg. & Medicinal Chem. Letters, (2004), Vol. 14, pp. 4099-4102, "Structure-activity relationships of a novel series of melanin-concentrating hormone (MCH) receptor antagonists"

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